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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,216	04/02/2004	Robert Gonsalves	A2004002	2414

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT PAPER NUMBER

2628

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/817,216	Applicant(s) GONSALVES ET AL.	
	Examiner Mike Rahmjoo	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamakawa (US Patent 6654028).

As per claims 1 and 4 and as to the broadest reasonable interpretation by examiner, Yamakawa teaches a computer readable medium and inherent program instructions see for example fig. 1 and column 27 line 64; storing an input luminance value corresponding to a luminance of the pixel before color correction see for example the abstract and fig. 1; performing a color correction operation on the pixel to provide color corrected components for the pixel see for example column 14 lines 32- 47 for color correction on the luminance and saturation; determining an output luminance and output saturation corresponding to the color corrected components for the pixel see for example column 14 lines 32- 47 for the gain (corresponding to scaling factor) of input/

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output characteristics of luminance and saturation; determining a scaling factor according to a ratio of the input luminance to the output luminance see for example fig. 3 and column 9 lines 7- 16 for the input/ output gain and application of said gain to luminance signal; scaling the output saturation by the scaling factor to provide a corrected saturation see for example column 14 lines 33- 47 for the lowering of color saturation relative to input/ output gain; and using the input luminance and the corrected saturation (corresponding to reduced or lowered saturation) to provide values for the corrected pixel see for example fig. 8 and column 14 lines 19- 51 wherein the display device includes such a color gain control circuit for display.

As per claims 2 and 5 Yamakawa teaches the color correction operation on the pixel is a color matching operation whereby the pixel is modified to match at least a hue of a target color see for example column 27 lines 55- 65 for the corrections matching with characteristics of the respective signals corresponding to the matching with a hue of the target color.

As per claims 3 and 6 Yamakawa broadly teaches the corrected pixel is represented by a luminance component and chroma difference components (corresponding to the two color difference signals), and wherein scaling comprises scaling the chroma difference components of the corrected pixel (the two color signals in which the gain of the input/ output characteristics is increased corresponding to scaling the chroma difference components) see for example column 14 lines 19- 51.

Response to Arguments

Applicant's arguments filed 07/28/06 have been fully considered but they are not persuasive.

As per applicant's remarks on page 5, applicant recites "none of the cited passages of YAMAKAWA, nor any of his circuit embodiments of the dynamic gamma correction means 5 or the converting circuit 6" achieve the claimed limitations followed by steps 2- 5 of claim 1.

Examiner respectfully disagrees.

Examiner is at loss for a number of reasons. 1) it is not clear where said reference to "circuit embodiments of the dynamic gamma correction means 5 or the converting circuit 6" is made. 2) nowhere is a mention of Gamma correction is made throughout what is claimed. 3) no reference to a particular teaching of YAMAKAWA vs. what applicant claims is made. 4) no reference to the discrepancies which may exist between the claimed invention vs. the citations made of record is made.

Applicant further argues against YAMAKAWA and makes a comparison between YAMAKAWA and GONSALVES based on "determining this luminance based on scaling ratio from the output of a color correction operation". Said analogy is incorrect for several reasons: 1) no arguments on said basis were made earlier in Gonsalves. 2) had there been such arguments made and for the sake of argument said argument were justified, Gonsalves is an entirely different rejection and teachings made therein do not pertain to YAMAKAWA. And 3) Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a

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patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiry


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789. The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Rahmjoo

October 2, 2006



KEE M. TUNG
SUPERVISORY PATENT EXAMINER